

# United States District Court

MIDDLE

DISTRICT OF

PENNSYLVANIA

LABORERS LOCAL UNION 158, LABORERS  
LOCAL UNION 158 HEALTH AND WELFARE  
FUND and LABORERS LOCAL UNION 158  
PENSION FUND,

Plaintiffs,

v.

VIRBITSKY CONSTRUCTION COMPANY,  
INC. and THOMAS VIRBITSKY,  
Defendants.

## SUMMONS IN A CIVIL ACTION

CASE NUMBER:

1:01-CV-0983

Judge Kane

FILED  
HARRISBURG

SEP 18 2001

MARY E. D'ANDREA, CLERK  
Per SL  
DEPUTY CLERK

TO: (Name and Address of Defendant)

See Complaint.

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

IRA H. WEINSTOCK, P.C.  
800 North Second Street  
Harrisburg, PA 17102

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Mary E. D'Andrea, Clerk  
CLERK

June 4, 2001  
DATE

BY DEPUTY CLERK

George T. Gardner  
George T. Gardner

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RETURN OF SERVICE OF PROCESS

PLAINTIFF Laborers Local Union  
No. 158, et al. COURT CASE NUMBER 1:01-CV-0983  
DEFENDANT Virbitsky Construction TYPE OF PROCESS Summons & Complaint  
Company, Inc., et al.  
SERVE Virbitsky Construction Company, Inc.  
(Name individual, company; corporation, etc. to be served)  
AT R. R. #1, Box 83E, Forest City, PA, 18421  
(Show Address)

SPECIAL INSTRUCTIONS OR OTHER INFORMATION REGARDING SERVICE \_\_\_\_\_

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT:

\_\_\_\_\_ I have personally served individual, company or corporation above.  
\_\_\_\_\_ I have made service by mail as authorized by state law to the individual, company or corporation above. Appropriate state law authorizing this type of service is \_\_\_\_\_ . If certified mail was authorized, attach green cards to this form.

xxx I have legal evidence of service, described under Remarks and attached hereto.  
(Domiciliary service, Substituted service.)

\_\_\_\_\_ I am unable to serve the process. (See Remarks)

NAME OF PERSON SERVED: Molly Virbitsky

TITLE (IF ANY) OF PERSON SERVED: Officer

ADDRESS WHERE SERVED: RR#1, Box 83E Forest City, PA. 18421

DATE AND TIME OF PERSONAL SERVICE: Corp serve on 8/31/2001 8:40AM

REMARKS: \_\_\_\_\_

\_\_\_\_\_  
Date

9/5/2001

Robert F. Harris  
Signature of Process Server Robert F. Har

RETURN THE ORIGINAL OF THIS FORM WITH THE ORIGINAL SUMMONS FORM TO:  
OFFICE OF THE CLERK OF COURT, U.S. DISTRICT COURT  
(Clerk's address in which the assigned judge is located. Refer to the  
Notice of Judicial Assignment form.)

**AFFIDAVIT OF PROCESS SERVER**

20010820113908

Out Of State, of full age, being duly sworn, competent and not having a direct interest in the litigation, deposes and says:1. In the matter of LABORERS LOCAL UNION 158 vs.

PLAINTIFF / PETITIONER

VIRBITSKY CONSTRUCTION

DEFENDANT / RESPONDENT

Docket / Case # 101 CV 0983

I served

VIRBITSKY CONSTRUCTION COMPANY INC

NAME OF PERSON / ENTITY

with

SUMMONS, COMPLAINT

TYPE OF PROCESS

by serving

VIRBITSKY CONSTRUCTION COMPANY INC

PERSON SERVED / ENTITY SERVED

accepted by

Molly Virbitsky

PERSON ACCEPTING PROCESS

Officer

TITLE

☐ at home ☒ at place of business:RR #1 BOX 83 E FOREST CITY, PA 18421on 8/31/2001

DATE

at

8:40AM

TIME

for

LABORERS LOCAL UNION 158 / IRA WEINSTOCK Esq.

PLAINTIFF / ATTORNEY

2. Pursuant to the following conditions:

☐ Service was completed in accordance with R 4:4-3(a)☐ Service was completed in accordance with R 6:2-3(e) (Acknowledgement of Service is attached).☐ After due search, careful inquiry and good diligent attempts, I was unable to effect personal service upon the persons / entities because:☐ Unknown at address☐ Moved, left no forward☐ Address does not exist☐ Home, but would not answer door☐ Service cancelled☐ Other: \_\_\_\_\_

Service was attempted on:

DATE

TIME

DATE

TIME

DATE

TIME

☐ Evading; address confirmed as place of ☐ abode ☐ business by:☐ Neighbor ☐ Landlord ☐ Post Office ☐ DMV ☐ Employer/Co-worker ☐ Other

3. I completed the above service in the following manner:

☐ Personal Service: by serving to the named persons or entities the process with a true copy, R 4:4-4(a).☐ By leaving \_\_\_ copy/copies with a competent member of the household, age 14 or over.☐ By leaving \_\_\_ copy/copies at the defendant's place of business, with a person authorized to accept, R 4:4-4(a)(1).

Relationship \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_' \_\_\_\_\_" Weight \_\_\_\_\_ lbs. Hair \_\_\_\_\_

☐ Mailed Service: By certified (RRR) and ordinary mail simultaneously to the defendant's abode.☐ Certified receipt attached ☐ Ordinary mail not returned ☐ Acknowledgement of delivery attached.☐ By Posting: attaching copies of the process in a conspicuous manner to the address of the persons / entities being served.☒ Corporate Service / Individual / Proprietorship: by serving a true copy of the process to the person named below in accordance with R 4:4-4(a)(6) or R 4:4-4(a)(4).

Serving a copy on:

☒ Officer ☐ Managing agent ☐ Registered agent ☐ Municipal Clerk ☐ Clerk of the board wf, age 38,☐ Person in charged of the Registered Office of the corporation ☐ Secretary of the board 5'7", 145 lbs.☐ Person at place of business authorized to accept. (Local 478 vs. Barron Holding) brown hair☐ Attorney acknowledgement: by obtaining acknowledgement of service from \_\_\_\_\_, ESQ., in accordance with R 1:5-3.☐ Military service: I asked the person spoken to/served as to whether defendant was in active duty in the military service of the United States, and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform.

The source of my information is the conversations and observations above narrated.

Virbitsky Construction Co. Inc.

NAME OF CORPORATION

Molly Virbitsky

PERSON SERVED

Signed and Sworn before me

This 5th of September, 2001Patricia L. M. ... April 1, 2002

Notary

My commission expires

Before me the undersigned personally appeared

Robert F. HarrisPROCESS SERVER: Out Of State

BADGE NUMBER:

Robert F. Harris

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RETURN OF SERVICE OF PROCESS

Laborers Local Union  
PLAINTIFF No. 158, et al. COURT CASE NUMBER 1:01-CV-0983  
DEFENDANT Virbitsky Construction TYPE OF PROCESS Summons & Complaint  
Company, Inc., et al.  
SERVE Thomas Virbitsky  
(Name individual, company; corporation, etc. to be served)  
AT R. R. #1, Box 83E, Forest City, PA, 18421  
(Show Address)

SPECIAL INSTRUCTIONS OR OTHER INFORMATION REGARDING SERVICE \_\_\_\_\_

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I HEREBY CERTIFY THAT:

xxxxxxx I have personally served individual, company or corporation above.

\_\_\_\_\_ I have made service by mail as authorized by state law to the individual, company or corporation above. Appropriate state law authorizing this type of service is \_\_\_\_\_ . If certified mail was authorized, attach green cards to this form.

\_\_\_\_\_ I have legal evidence of service, described under Remarks and attached hereto.  
(Domiciliary service, Substituted service.)

\_\_\_\_\_ I am unable to serve the process. (See Remarks)

NAME OF PERSON SERVED: Thomas Virbitsky

TITLE (IF ANY) OF PERSON SERVED: \_\_\_\_\_

ADDRESS WHERE SERVED: RR#1, Box 83E Forest City, PA. 18421

DATE AND TIME OF PERSONAL SERVICE: August 31, 2001 8:40AM

REMARKS: \_\_\_\_\_

9/5/2001  
Date

Robert F. Harris  
Signature of Process Server

Robert F.  
Harris

RETURN THE ORIGINAL OF THIS FORM WITH THE ORIGINAL SUMMONS FORM TO:  
OFFICE OF THE CLERK OF COURT, U.S. DISTRICT COURT  
(Clerk's address in which the assigned judge is located. Refer to the  
Notice of Judicial Assignment form.)

**AFFIDAVIT OF PROCESS SERVER**

20010820113249

Out Of State, of full age, being duly sworn, competent and not having a direct interest in the litigation, deposes and says:1. In the matter of LABORERS LOCAL UNION 158 vs.

PLAINTIFF / PETITIONER

VIRBITSKY CONSTRUCTION

DEFENDANT / RESPONDENT

Docket / Case # 1 01 CV 0983

I served

THOMAS VIRBITSKY

NAME OF PERSON / ENTITY

with

SUMMONS, COMPLAINT

TYPE OF PROCESS

by serving

THOMAS VIRBITSKY

PERSON SERVED / ENTITY SERVED

accepted by

Thomas VirbitskySelf

PERSON ACCEPTING PROCESS

TITLE

☐ at home ☐ at place of business:R.R. #1 BOX 83 E FOREST CITY, PA 18421on August 31, 2001 at 8:40AM for

DATE

TIME

LABORERS LOCAL UNION 158 / IRA WEINSTOCK Esq.

PLAINTIFF / ATTORNEY

2. Pursuant to the following conditions:

☐ Service was completed in accordance with R 4:4-3(a)☐ Service was completed in accordance with R 6:2-3(e) (Acknowledgement of Service is attached).☐ After due search, careful inquiry and good diligent attempts, I was unable to effect personal service upon the persons / entities because:☐ Unknown at address☐ Moved, left no forward☐ Address does not exist☐ Home, but would not answer door☐ Service cancelled☐ Other: \_\_\_\_\_

Service was attempted on:

DATE

TIME

DATE

TIME

DATE

TIME

☐ Evading: address confirmed as place of ☐ abode ☐ business by:☐ Neighbor ☐ Landlord ☐ Post Office ☐ DMV ☐ Employer/Co-worker ☐ Other

3. I completed the above service in the following manner:

☒ **Personal Service:** by serving to the named persons or entities the process with a true copy, R 4:4-4(a).☐ By leaving \_\_\_\_\_ copy/copies with a competent member of the household, age 14 or over.☐ By leaving \_\_\_\_\_ copy/copies at the defendant's place of business, with a person authorized to accept, R 4:4-4(a)(1).Relationship Self Age 37 Sex M Race W Height 6'1" Weight 180 lbs. Hair Blonde☐ **Mailed Service:** By certified (RRR) and ordinary mail simultaneously to the defendant's abode.☐ Certified receipt attached ☐ Ordinary mail not returned ☐ Acknowledgement of delivery attached.☐ **By Posting:** attaching copies of the process in a conspicuous manner to the address of the persons / entities being served.☐ **Corporate Service / Individual / Proprietorship:** by serving a true copy of the process to the person named below in accordance with R 4:4-4(a)(6) or R 4:4-4(a)(4).**Serving a copy on:**☐ Officer ☐ Managing agent ☐ Registered agent ☐ Municipal Clerk ☐ Clerk of the board☐ Person in charged of the Registered Office of the corporation ☐ Secretary of the board☐ Person at place of business authorized to accept. (Local 478 vs, Barron Holding)**Attorney acknowledgement:** by obtaining acknowledgement of service from \_\_\_\_\_, ESQ., in accordance with R 1:5-3.**Military service:** I asked the person spoken to/served as to whether defendant was in active duty in the military service of the United States, and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information is the conversations and observations above narrated.

NAME OF CORPORATION

Signed and Sworn before me

This 5th of September, 2001Patricia L. M. Monciello April 1, 2002

My commission expires April 1, 2002

PERSON SERVED

Before me the undersigned personally appeared

Robert F. HarrisPROCESS SERVER: Out Of State

BADGE NUMBER:

Robert F. Harris

NOTARIAL SEAL  
PATRICIA L. M. MONCIELLO, Notary Public  
Haddon Field, Lancaster County  
My Commission Expires April 1, 2002